



UNITED STATES MARINE
CORPS MARINE CORPS SYSTEMS
COMMAND 2200 LESTER STREET
QUANTICO, VIRGINIA 22134-5010

IN REPLY REFER TO:

5720

DON-USMC-2023-013133

22 Aug 23

Sent via FOIA ONLINE to: npenz@usatoday.com

USA TODAY
Mr. Nick Penzenstadler
330 E. Kilbourn Ave Ste 500
Milwaukee, WI 53202

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) DON-USMC-2023-013133

Dear Mr. Penzenstadler:

This responds to your Freedom of Information Act (FOIA) request of July 7, 2023, which requests a copy of "current USMC estimate of its cluster munitions in stockpile, including, but not limited to, type of munition, submunition failure rate, age and country of storage."

Your request is hereby partially denied. Following a careful review of the requested documents, some of the documents are found to be exempt from disclosure pursuant to FOIA Exemption 5 U.S.C. § 552(b)(3) and must be withheld.

Current USMC estimate of its cluster munitions in stockpile, including type of munition - **Contained within the attachment.**

Submunition failure rate - **classified and withheld pursuant to FOIA Exemption 5 U.S.C. § 552(b)(3).**

Age - **Contained within the attachment.**

Country of storage - **Actual locations are protected pursuant to FOIA Exemption 5 U.S.C. § 552(b)(3) but we have indicated whether the storage locations are Continental United States (CONUS) or Outside Continental United States (OCONUS).**

Specifically, 5 U.S.C. § 552(b)(3), precludes disclosure of information if disclosure is prohibited by another statute. It is important to note that 10 USC § 130 exempts release of unclassified technical data with military or space application.

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Fees associated with processing your request are minimal and waived.

Because your request has been partially denied, you may consider this an adverse determination that may be appealed to the Assistant to the General Counsel (FOIA) at: Department of the Navy Office of the General Counsel ATTN: FOIA Appeals Office 1000 Navy Pentagon Room 4E635 Washington DC 20350-1000. For consideration, the appeal must be received in that office within 90 days from the date of this letter. Attach a copy of this letter and a statement regarding why you believe the requested information must be released. Both your appeal letter and the envelope should bear the notation "FREEDOM OF INFORMATION ACT APPEAL".

Please provide a copy of any such appeal letter to the MARCORSYSCOM address in the letterhead above.

Any questions concerning this matter should be directed to Mrs. Bobbie Cave at (703) 432-3934 or bobbie.cave@usmc.mil.

Sincerely,

S. A. ALLEN
Chief of Staff (Acting)

TMR DODIC	NOMENCLATURE	TOTAL SERVICEABLE INVENTORY	AVERAGE AGE (YRS)	STORAGE LOCATIONS
D563	Proj, 155mm HE DPICM M483A1	71,833	34.0	CONUS/OCONUS
D864	Proj, 155mm HE ER-DPICM M864	12,517	29.6	CONUS/OCONUS
TOTAL		84,350		
H104	Rocket, 298mm M26 GP Basic MLRS DPICM	648	31.1	CONUS
HA22	Rocket, 298mm Tactical Guided M30 (MLRS) DPICM	786	16.1	CONUS
TOTAL		1,434		